



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,184	01/22/2002	Scott Leonard Daniels	AUS919970560US2	7036
42640	7590	07/28/2004	EXAMINER	
DILLON & YUDELL LLP 8911 NORTH CAPITAL OF TEXAS HWY SUITE 2110 AUSTIN, TX 78759				WACHSMAN, HAL D
ART UNIT		PAPER NUMBER		
		2857		

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

10054/84

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT PAPER

07262004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857

1. The reply filed on 6-28-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
 - a) The reply filed 6-28-04 was improper because the reply was filed under 37 C.F.R. 1.312 (*see first page of the reply*). A 37 C.F.R. 1.312 amendment is a reply that is an amendment that can be filed after the receipt of a Notice of Allowability (PTOL-37). However, the prior Office Action was **not a Notice of Allowability** but rather an **Ex parte Quayle action** indicating that the application was in condition for allowance except for the cited formal matters. Appropriate correction is required.
 - b) Claim 36 in the reply filed 6-28-04 was improper under 37 C.F.R. 1.121 as it was indicated as the original version of the claim, however in fact an amendment was made to the claim and not shown in which claim 36 was changed to depend from claim 36 where as originally it depended from claim 35. Because of this amendment, claim 36 is also improper under 37 C.F.R. 1.75(c) because **claim 36 now depends from itself**. Appropriate correction is required.
 - c) The amendment to page 1, line 1, of the specification is improper under 37 C.F.R. 1.121 because newly added paragraphs or sections must not be underlined. In addition, the location of this insertion appears to be in error because page 1, line 1, already has the text “Background of the Invention” and thus it appears that the statement of continuing data insertion should go before and above this heading. Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the
Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
July 26, 2004